
CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS ACT, 2000
(House of Representatives - November 17, 1999)

Subtitle E--Automated Export System Relating to Export Information

SEC. 1251. SHORT TITLE.

This subtitle may be cited as the `Proliferation Prevention Enhancement Act of 1999'.

SEC. 1252. MANDATORY USE OF THE AUTOMATED EXPORT SYSTEM FOR FILING CERTAIN SHIPPERS' EXPORT DECLARATIONS.

(a) **Authority:** Section 301 of title 13, United States Code, is amended by adding at the end the following new subsection:

`(h) The Secretary is authorized to require by regulation the filing of Shippers' Export Declarations under this chapter through an automated and electronic system for the filing of export information established by the Department of the Treasury.'.

(b) Implementing Regulations:

(1) **In general:** The Secretary of Commerce, with the concurrence of the Secretary of State, shall publish regulations in the Federal Register to require that, upon the effective date of those regulations, exporters (or their agents) who are required to file Shippers' Export Declarations under chapter 9 of title 13, United States Code, file such Declarations through the Automated Export System with respect to exports of items on the United States Munitions List or the Commerce Control List.

(2) **Elements of the regulations:** The regulations referred to in paragraph (1) shall include at a minimum--

(A) provision by the Department of Commerce for the establishment of on-line assistance services to be available for those individuals who must use the Automated Export System;

(B) provision by the Department of Commerce for ensuring that an individual who is required to use the Automated Export System is able to print out from the System a validated record of the individual's submission, including the date of the submission and a serial number or other unique identifier, where appropriate, for the export transaction; and

(C) a requirement that the Department of Commerce print out and maintain on file a paper copy or other acceptable back-up record of the individual's submission at a location selected by the Secretary of Commerce.

(c) **Effective Date:** The amendment made by subsection (a) shall take effect 270 days after the Secretary of Commerce, the Secretary of the Treasury, and the Director of the National Institute of Standards and Technology jointly provide a certification to the Committee on Foreign

Relations of the Senate and the Committee on International Relations of the House of Representatives that a secure Automated Export System available through the Internet that is capable of handling the expected volume of information required to be filed under subsection (b), plus the anticipated volume from voluntary use of the Automated Export System, has been successfully implemented and tested and is fully functional with respect to reporting all items on the United States Munitions List, including their quantities and destinations.

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SEC. 1253. VOLUNTARY USE OF THE AUTOMATED EXPORT SYSTEM.

It is the sense of Congress that exporters (or their agents) who are required to file Shippers' Export Declarations under chapter 9 of title 13, United States Code, but who are not required under section 1252(b) to file such Declarations using the Automated Export System, should do so.

SEC. 1254. REPORT TO APPROPRIATE COMMITTEES OF CONGRESS.

(a) **In General:** Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Energy, and the Director of Central Intelligence, shall submit a report to the appropriate committees of Congress setting forth--

- (1) the advisability and feasibility of mandating electronic filing through the Automated Export System for all Shippers' Export Declarations;
- (2) the manner in which data gathered through the Automated Export System can most effectively be used, consistent with the need to ensure the confidentiality of business information, by other automated licensing systems administered by Federal agencies, including--
 - (A) the Defense Trade Application System of the Department of State;
 - (B) the Export Control Automated Support System of the Department of Commerce;
 - (C) the Foreign Disclosure and Technology Information System of the Department of Defense;
 - (D) the Proliferation Information Network System of the Department of Energy;
 - (E) the Enforcement Communication System of the Department of the Treasury; and
 - (F) the Export Control System of the Central Intelligence Agency; and

(3) a proposed timetable for any expansion of information required to be filed through the Automated Export System.

(b) **Definition:** In this section, the term `appropriate committees of Congress' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 1255. ACCELERATION OF DEPARTMENT OF STATE LICENSING PROCEDURES.

Notwithstanding any other provision of law, the Secretary of State may use funds appropriated or otherwise made available to the Department of State to employ--

(1) up to 40 percent of the individuals who are performing services within the Office of Defense Trade Controls of the Department of State in positions classified at GS-14 and GS-15 on the General Schedule under section 5332 of title 5, United States Code; and

(2) other individuals within the Office at a rate of basic pay that may exceed the maximum rate payable for positions classified at GS-15 on the General Schedule under section 5332 of that title.

SEC. 1256. DEFINITIONS.

In this subtitle:

(1) Automated export system: The term 'Automated Export System' means the automated and electronic system for filing export information established under chapter 9 of title 13, United States Code, on June 19, 1995 (60 Federal Register 32040).

(2) Commerce control list: The term 'Commerce Control List' has the meaning given the term in section 774.1 of title 15, Code of Federal Regulations.

(3) Shippers' export declaration: The term 'Shippers' Export Declaration' means the export information filed under chapter 9 of title 13, United States Code, as described in part 30 of title 15, Code of Federal Regulations.

(4) United states munitions list: The term 'United States Munitions List' means the list of items controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).